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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEJANDRO WIECHERS and RODOLFO JODRA

Appeal 2009-004970
Application 10/635,467¹
Technology Center 2600

Decided: May 7, 2010

Before ROBERT E. NAPPI, MARC S. HOFF, and KARL EASTHOM,
Administrative Patent Judges.

HOFF, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ The real party in interest is Hewlett-Packard Development Company, LP.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-6, 8-10, and 12-15.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' invention relates to a method, program product, and system for managing workflow in a commercial printing environment. A customer ("designer") creates a press ready file (which includes both the print job and the job ticket) at the designer location, including automated remote proofing of the press ready file. The designer submits the press ready file to the print service provider location via an electronic network (Spec. ¶ 0012).

Claim 1 is exemplary of the claims on appeal:

1. A method of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising:
 - creating at the designer location a print job to be printed by the print service provider location;
 - creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location;
 - an automated preflight module at the designer location automatically establishing a link to the print service provider location and obtaining updated device configuration information from the print service provider location concerning the production devices specified in said job ticket;
 - said automated preflight module automatically performing an automated remote proofing by (i) comparing said job ticket with the obtained device configuration information to determine whether all required elements for successful processing of said print job are present and (ii) checking said print job and said job ticket for errors;
 - generating at the designer location a press ready file that encapsulates both said print job and said job ticket;

² Claims 7 and 11 have been cancelled.

submitting said press ready file to the print service provider location via an electronic network; and

performing at the print service provider least one of automated printing, finishing, packaging and shipping using said press ready file.

The Examiner relies upon the following prior art in rejecting the claims on appeal:

Laverty	US 6,429,947 B1	Aug 6, 2002
Lahey	US 6,587,217 B1	Jul. 1, 2003
Schorr	US 6,608,697 B1	Aug. 19, 2003

Claims 1-6, 8-10, and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Laverty in view of Schorr and Lahey.

Throughout this decision, we make reference to the Appeal Brief ("App. Br.," filed April 29, 2008), the Reply Brief ("Reply Br.," filed August 13, 2008) and the Examiner's Answer ("Ans.," mailed July 15, 2008) for their respective details.

ISSUE

Appellants argue that none of the applied references teach or suggest generating at the designer location a press ready file that encapsulates both a print job and a job ticket, as recited in the independent claims.³ The Examiner finds that Laverty does not teach creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job (Ans. 4), yet also finds that

³ Appellants' arguments present additional issues that we do not reach, because this issue is considered dispositive of the appeal.

Lavery teaches generating at the designer location a press ready file that encapsulates both said print job and said job ticket (Ans. 3).

Appellants' contention and the Examiner's findings present us with the following issue:

Does Lavery, Schorr, or Lahey teach generating at the designer location a press ready file that encapsulates both a print job and a job ticket?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

The Invention

1. Appellants' Specification discloses that a "job ticket" contains top level information regarding the print job for each stage of the printing process, and contains relevant information regarding the job such as due date, type of finishing, number of copies, and number of colors (§ 0004). The job ticket also includes special finishing instructions, special packaging instructions, shipping instructions, and any billing instructions such as account information or billing dates (§ 0021).

Lavery

2. Lavery teaches that in response to a customer's inputs on a web site, the system creates a Print Ready File (PRF) that is shown to the customer for on-screen proofing, then sends the PRF to the printer as a print order (col. 10, ll. 50-61).

3. Lavery's description of its PRF refers to a single electronic file format that provides the ability to tag certain elements to indicate whether they should be included in the preview layout, the print layout, or both (col.

8, ll. 12-16). Laverty teaches that the PRF has each element precisely mapped (col. 8, l. 19).

Lahey

4. Lahey teaches a graphical user interface within which a user creates a job ticket (col. 7, ll. 50-51). Among the options offered, a user may select the printer to be used to print the job, and may modify print attribute values (col. 8, ll. 35-47).

PRINCIPLES OF LAW

On the issue of obviousness, the Supreme Court has stated that “the obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 419 (2007). Further, the Court stated that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416. “One of the ways in which a patent’s subject matter can be proved obvious is by noting that there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent’s claims.” *Id.* at 419-420.

ANALYSIS

Independent claims 1 and 6 both recite “generating at the designer location a press ready file that encapsulates both said print job and said job ticket.”

The Examiner found that Laverty teaches generating, at the designer location, a press ready file that encapsulates both a print job and a job ticket

(Ans. 3), but also found that Laverty does not teach creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider (Ans. 4). The Examiner relies on Lahey for a teaching of the claimed job ticket, concluding that the inclusion of a job ticket would have been obvious because “it is convenient to include in the computer a GUI to create job tickets and allow the GUI to interface with the server database and library to perform searches therein” (Ans. 4-5; FF 4).

Appellants argue that Laverty does not disclose generating at the designer location a press ready file that encapsulates both a print job and a job ticket (App. Br. 8).

Appellants’ arguments are persuasive to establish error in the Examiner’s rejection. The section of Laverty cited by the Examiner as allegedly teaching a press ready file that encapsulates both a print job and a job ticket teaches that in response to a customer’s inputs on a web site, the system creates a Print Ready File (PRF) that is shown to the customer for on-screen proofing, then sends the PRF to the printer as a print order (FF 2). Appellants’ Specification discloses that a “job ticket” contains top level information regarding the print job for each stage of the printing process, and contains relevant information regarding the job such as due date, type of finishing, number of copies, and number of colors (FF 1). The job ticket also includes special finishing instructions, special packaging instructions, shipping instructions, and any billing instructions such as account information or billing dates (FF 1).

We agree with Appellants, however, that Laverty does not teach a job ticket, or teach a press ready file in which a job ticket is encapsulated along

with a print job (App. Br. 9). Lavery's description of its PRF refers to a single electronic file format that provides the ability to tag certain elements to indicate whether they should be included in the preview layout, the print layout, or both (FF 3). Lavery teaches that the PRF has each element precisely mapped (FF 3). Lavery, however, neither explicitly discloses a job ticket, nor teaches that its PRF includes any of the "administrative" details disclosed by Appellants as pertaining to a job ticket. Because we find that Lavery does not teach a job ticket, we necessarily also find, as a result, that Lavery cannot teach a press ready file in which a job ticket is encapsulated along with a print job. Schorr and Lahey also lack a teaching of this element.

Therefore, we find that the Examiner has not established the prima facie obviousness of the claims, because neither Lavery, Schorr, nor Lahey teach generating at the designer location a press ready file that encapsulates both said print job and said job ticket. As a result, we will not sustain the Examiner's § 103 rejection of claims 1-6, 8-10, and 12-15.

CONCLUSIONS

Neither Lavery, Schorr, nor Lahey teaches generating at the designer location a press ready file that encapsulates both a print job and a job ticket.

ORDER

The Examiner's rejection of claims 1-6, 8-10, and 12-15 is reversed.

Appeal 2009-004970
Application 10/635,467

REVERSED

ELD

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